IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF NOVEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 4 of 2003

Between:

Ryali Jyothirmayi D/o.Ryali Narayana Rao
R/o.D.No.10-34/1,Gandhi Nagar Gajuwaka
Visakhapatnam

..... PETITIONER

AND

1 Union of India Rep. by its Secretary
Ministry of External Affairs New Delhi
2 Union of India Rep. by its Secretary
Ministry of Home Affairs New Delhi
3 Government of Andhra Pradesh Rep. by its Secretary
Secretariat Hyderabad
4 Director General of Police Andhra Pradesh
Saifabad, Hyderabad.
5 Station House Officer
III Town Law and order Police Station, Visakhapatnam
6 Regional Passport Officer
Hyderabad.
7 Suresh Devu S/o.Devu Mohan Rao
C-3,Lakshmi Apratments Peda Waltair
Visakhapatnam.

…..Respondents.

THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION NO. 4 OF 2003

ORDER:

This Writ Petition is filed questioning inaction on the part of the sixth respondent in taking steps for impounding passport of the seventh respondent.

It is stated in the affidavit filed in support of the Writ Petition, that the petitioner was married to seventh respondent, and, in view of certain differences and demands from the seventh respondent, a complaint was lodged for the alleged offence under Section 498-A IPC. It is the case of the petitioner, that though such criminal proceedings are initiated, no steps are being taken for impounding the passport of the seventh respondent, and inaction on the part of the sixth respondent is contrary to the provision under Section 10(3) of the Passports Act 1967.

As per Section 10(3) of the Passports Act, 1967,the passport authority may impound or cause to be impounded or revoke a passport or travel document, in the specified circumstances therein. From a reading of the said provision, it is for the respondent authorities to consider whether the passport holder has committed any irregularities as contemplated under Sub-sections (3) to (7) of Section 10 of the Passports Act, 1967, but, at the same time, this Court in exercise of powers under Article 226 of the Constitution of India cannot issue Writ of Mandamus to impound the passport or travel document of a citizen. In that view of the matter, I do not find any merit in this Writ Petition.

The Writ Petition is dismissed. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATED: 23-11-2005.

Msnr.